

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

MISC. NO. 2:09MC1

IN RE:

EUNICE PARKER WASHINGTON

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ORDER

THIS MATTER is before the Court on Defendant's appeal from the Judgment entered by the United States Magistrate Judge finding her in criminal contempt of court. **See Notice of Appeal, filed February 26, 2009; Judgment, filed February 26, 2009.** The matter has been scheduled for hearing before the undersigned on March 5, 2009, at 10:00 AM, at the U.S. Courthouse in Asheville, North Carolina.

The parties are informed that the scope of appeal from the Magistrate Judge is the same as an appeal to the court of appeals from a district court's final judgment. Accordingly, Defendant is not entitled to *de novo* review of this matter before this Court. **See Fed. R. Crim. P. 58(g)(2)(D).** The hearing before this Court will be limited to oral argument by counsel as to whether the Magistrate Judge's finding of criminal

contempt was supported by substantial evidence and whether the sentence imposed in this matter was correct under the law.

Parties are invited to submit briefs on these issues prior to the March 5th hearing. In the event the parties wish to waive oral argument and have the matter decided solely on the record and any supporting briefs, the parties shall so inform the Court without delay.

IT IS SO ORDERED.

Signed: March 3, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

